

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NORTH AMERICAN
CAPACITY INSURANCE
COMPANY,

No. C 03-5521 WDB

ORDER

Plaintiff,

v.

TURNER CONSTRUCTION
COMPANY, et al.,

Defendants.

The court recently received two written submissions in this matter. The first (not in chronological order) was filed on November 2, 2005, on behalf of plaintiff North American. It provides the information that the court ordered plaintiff to provide, so the hearing on an Order to Show Cause that was scheduled for November 30, 2005, is hereby VACATED.

The second submission was filed on October 19, 2005, on behalf of defendant Roberts-Obayashi Corporation. This submission is incomprehensible to the court. Perhaps that is because insufficient information has been provided about what may be three different state court cases – albeit with very similar case numbers. The Roberts-Obayashi submission purports to provide information about a case numbered

1 RGO41503487, a case numbered RGO4150387, and a case numbered RGO4150397.
2 Are these really three different cases? If so, who are the parties and what are the
3 pending and/or likely claims in each? Counsel for Roberts-Obayashi is hereby
4 ORDERED to answer these questions in English – and to explain, in a systematic way
5 and without assuming that the undersigned has information about cases filed
6 elsewhere, what the relationship is between those cases and the issues before this
7 court in the case at bar. This supplemental submission must be filed by November
8 18, 2005.

9 If plaintiff (North American) wishes to file a motion for summary adjudication
10 in the case at bar it must do so by January 9, 2006. In advance of any such filing,
11 plaintiff must secure a date and time for a hearing from Lisa Scarborough, the
12 undersigned's administrative law clerk.

13 If no motion for summary adjudication has been filed by January 9, 2006, the
14 undersigned will conduct a case management conference in this matter on
15 Wednesday, January 11, 2006, at 2:30 p.m. Counsel may appear by phone as long
16 as they make arrangements to do so in advance with Ms. Scarborough.

17 IT IS SO ORDERED.

18 Dated: November 8, 2005

/s/ Wayne D. Brazil
WAYNE D. BRAZIL
United States Magistrate Judge

19 Copies to: Parties, WDB, stats.
20
21
22
23
24
25
26
27
28